CHAPTER 29

POULTRY, EGGS

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29.001 DEFINITION.

Subdivision 1. **Scope.** Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Agriculture.

History: *1961 c 113 s 1; 1961 c 128 s 12*

POULTRY

29.01 MS 1949 [Repealed, 1949 c 211 s 11]

29.011 MS 1974 [Repealed, 1975 c 61 s 26]

29.013 MS 1974 [Repealed, 1975 c 61 s 26]

29.02 MS 1949 [Repealed, 1949 c 211 s 11]

29.021 COMMISSIONER'S POWERS AND DUTIES.

The commissioner of agriculture shall have the power to employ such persons as are necessary to carry out the provisions of sections 29.021 to 29.081, and to fix all salaries and provide for expenses generally not inconsistent with law. The commissioner is authorized and directed to formulate and adopt plans whereby owners of poultry flocks and poultry breeding flocks may, upon application, have their flocks culled, inspected, and supervised, to the end that these flocks may be accredited and certified for standard type and egg quality and production; and likewise, poultry hatcheries and dealers may be accredited and certified as hatching and selling products produced only from accredited and certified flocks. The commissioner is authorized to make, publish, and enforce rules to these ends, not inconsistent with law, and to define, prescribe, and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification. The commissioner is authorized to adopt the "standard breeding plan" of accreditation and certification sponsored by the United States Department of Agriculture, or any other plan, and to cooperate with that department in matters of poultry improvement, egg quality and production. The commissioner is authorized to prescribe and collect fees for inspection and supervision, and to prescribe and furnish labels,

leg bands, and certificates of accreditation and certification and such other supplies as may be necessary, and to prescribe and collect fees for the same. Fees shall be fixed by the commissioner at the beginning of each fiscal year and reviewed and adjusted, if necessary, at the end of each six-month period in order that the fees prescribed shall, insofar as practicable, cover the cost of all services rendered. The commissioner is authorized to do such other things as the commissioner may deem needful and expedient to improve poultry breeding and practices and egg quality and production and to give effect to sections 29.021 to 29.081, in connection with those parties who wish to comply with the programs promulgated in accordance with this section.

History: *(5460-9) 1931 c 408 s 3; 1957 c 672 s 2; 1959 c 116 s 1; 1961 c 110 s 3; 1961 c 113 s 1; 1975 c 204 s 71; 1985 c 248 s 70; 1986 c 444; 1987 c 384 art 2 s 1; 1995 c 186 s 12*

29.025 MS 2000 [Repealed, 1Sp2001 c 2 s 162]

29.03 MS 1949 [Repealed, 1949 c 211 s 11]

29.031 ADVERTISING.

Owners of accredited and certified poultry breeding flocks and hatcheries shall have the right to use the terminology prescribed by the commissioner of agriculture in their literature and advertising and on shipping labels. The commissioner may, by rule, require the submission of all or any part of such literature and advertising matter to the commissioner for review and approval before publication or issuance.

History: *(5460-10) 1931 c 408 s 4; 1957 c 672 s 3; 1961 c 113 s 1; 1985 c 248 s 70; 1986 c 444*

29.04 MS 1949 [Repealed, 1949 c 211 s 11]

29.041 MS 1953 [Repealed, 1957 c 819 s 9]

29.042 MS 1953 [Repealed, 1957 c 819 s 9]

29.043 MS 1953 [Repealed, 1957 c 819 s 9]

29.044 MS 1953 [Repealed, 1957 c 819 s 9]

29.045 MS 1953 [Repealed, 1957 c 819 s 9]

29.046 MS 1953 [Repealed, 1957 c 819 s 9]

29.047 MS 1953 [Repealed, 1957 c 819 s 9]

29.048 MS 1953 [Repealed, 1957 c 819 s 9]

29.049 MS 2000 [Repealed, 1Sp2001 c 2 s 162]

29.05 MS 1957 [Repealed, 1959 c 49 s 2]

29.051 POULTRY DISEASE ERADICATION.

The Board of Animal Health shall cooperate with the commissioner of agriculture in all ways consistent with law. The board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradication thereof. The board is authorized to formulate, adopt, and enforce rules whereby owners of poultry breeding flocks may, upon agreement with the board, have flocks examined, tested, and officially designated as meeting the qualifications for any stage of eradication of any specified communicable infectious disease when and as approved methods for official testing for the other disease

may be adopted by the board, if personnel is available and funds are appropriated for the use of the board in making the tests and inspections.

History: *(5460-12) 1931 c 408 s 6; 1957 c 672 s 5; 1961 c 113 s 1; 1980 c 467 s 32*

29.06 MS 1957 [Repealed, 1959 c 49 s 2]

29.061 PRODUCTS TO BE LABELED.

All poultry and poultry products shipped under the authority of sections 29.021 to 29.081 shall be uniformly labeled with designs prescribed and furnished by the commissioner of agriculture; provided that all labeling pertaining to disease or freedom therefrom shall first be approved by the Board of Animal Health.

History: *(5460-13) 1931 c 408 s 7; 1957 c 672 s 6; 1961 c 113 s 1; 1980 c 467 s 33; 1987 c 384 art 2 s 1*

29.07 MS 1957 [Repealed, 1959 c 49 s 2]

29.071 CERTAIN ADVERTISING FORBIDDEN.

No person, firm, association, partnership, or corporation shall use in literature, advertising material or on shipping labels, or otherwise, any language, words or phrases implying or indicating a breeding or a disease eradication or control status in conjunction with either the word "state" or the word "Minnesota," or both, as related to a poultry hatchery or a poultry breeding flock, except under the authority of sections 29.021 to 29.081.

History: *(5460-14) 1931 c 408 s 8; 1957 c 672 s 7; 1987 c 384 art 2 s 1*

29.08 MS 1953 [Repealed, 1955 c 46 s 4]

29.081 MAY CANCEL CERTIFICATES.

The commissioner of agriculture may cancel any certificate of accreditation or certification issued under the commissioner's authority, and likewise the secretary and executive officer of the Board of Animal Health may cancel any certificate of testing, approval, or accreditation issued under the authority of the board, for violation of sections 29.021 to 29.081, or any rule adopted thereunder; and any person, firm, association, partnership, or corporation who shall violate any provision of sections 29.021 to 29.081, or any rule adopted thereunder, shall be guilty of a misdemeanor.

History: *(5460-15) 1931 c 408 s 9; 1957 c 672 s 8; 1961 c 113 s 1; 1980 c 467 s 34; 1986 c 444; 1987 c 384 art 2 s 1*

29.09 MS 1949 [Repealed, 1949 c 211 s 11]

29.091 MS 1980 [Repealed, 1981 c 261 s 22]

29.10 MS 1949 [Repealed, 1949 c 211 s 11]

29.11 MS 1949 [Repealed, 1949 c 211 s 11]

29.12 MS 1949 [Repealed, 1949 c 211 s 11]

29.13 MS 1957 [Repealed, 1959 c 49 s 2]

29.14 MS 1980 [Repealed, 1982 c 582 s 14]

29.15 MS 1980 [Repealed, 1982 c 582 s 14]

29.16 MS 1980 [Repealed, 1982 c 582 s 14]

29.17 MS 1981 Supp [Repealed, 1982 c 582 s 14]

29.18 MS 1980 [Repealed, 1982 c 582 s 14]

29.19 MS 1980 [Repealed, 1982 c 582 s 14]

29.201 BUYERS OF DOMESTIC FOWL; DEALERS' REGISTERS.

Every person who engages in the business of buying chickens, turkeys, or other domestic fowl of any kind shall keep and maintain a complete record of all such transactions in a ledger or other suitable book of account permanently bound, which for the purposes of sections 29.201 to 29.205 shall be known as such dealer's register. In such register the buyer shall enter a complete record of each purchase of chickens, turkeys, or other domestic fowl, to which the buyer was a party; and shall show the name and address of the person from whom the same was bought, and, when the transaction is with a person other than a regular customer of the buyer from whom the buyer has made similar purchases within one year from the date of such transaction, the means by which the same were transported to the place of purchase, the type of conveyance, and if by truck or other motor vehicle the license number of such truck or motor vehicle, the date of such purchase, and the number, kind, species and a general description of all such chickens, turkeys, or other domestic fowl involved in such transaction.

History: *(6240-19) 1927 c 319 s 1; 1943 c 102 s 1; 1986 c 444*

29.203 REGISTER PRIMA FACIE EVIDENCE.

Every register made or kept in compliance with the provisions of sections 29.201 to 29.205 shall be prima facie evidence of the truth and accuracy of the facts therein stated or appearing as required thereby. Every such register shall at all times be open to inspection and examination by any peace officer or any public official charged with the duty of law enforcement, as often as and when required.

History: *(6240-20) 1927 c 319 s 2; 1986 c 444*

29.205 FAILURE TO KEEP REGISTERS; FALSE ENTRY THEREIN.

Any person who fails to keep such record or causes to be entered or recorded any false, untruthful, deceptive, or misleading statement or data in any register required to be kept by sections 29.201 to 29.205, or who changes, alters, destroys, mutilates, injures, secretes, conceals, or withholds from inspection any such register, or any part thereof, shall be guilty of a misdemeanor. This misdemeanor shall be deemed separate, apart from, and in addition to, any other crime or offense against the law committed by such person in connection with such transaction.

History: *(6240-21) 1927 c 319 s 3*

EGGS

29.21 DEFINITIONS.

Subdivision 1. **Person.** The word "person" when used in sections 29.21 to 29.27 means any individual, firm, partnership, corporation, company, association, joint stock association, and shall include any officer, employee, agent, trustee, receiver, assignee, or other similar representative thereof, provided that neither a

producer of eggs when selling shell eggs produced on a farm occupied and cultivated by the producer, nor a hatchery which produces or purchases shell eggs solely for hatching shall be deemed a "person."

Subd. 2. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 3. **Department.** The word "department" means the Department of Agriculture unless otherwise indicated.

Subd. 4. **Checks.** "Checks" means eggs that have cracks or breaks in the shell but have intact shell membranes that do not leak.

Subd. 5. **Dirties.** "Dirties" means eggs with adhering dirt, foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface, if localized, or 1/16 of the shell surface, if scattered.

Subd. 6. **Egg handler.** "Egg handler" means a person who buys, sells, transports, stores, processes, or in any other way receives or has shell eggs. This includes farmers who sell candled and graded eggs off their premises.

Subd. 7. **Grading.** "Grading" means assigning an identifying classification to a group of eggs that demonstrates that those eggs have the same degree of quality.

Subd. 8. **Incubator rejects.** "Incubator rejects" means eggs that have been subjected to incubation and have been removed during the hatching operation as infertile or otherwise unhatchable.

Subd. 9. **Leakers.** "Leakers" means eggs that have a crack or break in the shell and shell membrane to the extent that the contents pass or are free to pass through the shell.

Subd. 10. **Loss.** "Loss" means eggs that are unfit for human consumption because they are smashed, broken, leaking, overheated, frozen, contaminated, or incubator rejects, or because they contain bloody whites, large meat spots, a large quantity of blood, or other foreign material.

Subd. 11. **Restricted eggs.** "Restricted eggs" means eggs that contain dirties, checks, leakers, inedibles, loss, and incubator rejects.

Subd. 12. **Quality assurance date.** "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying, or any other foreseeable and natural phenomenon, lose palatability or desired or nutritive properties.

History: *1957 c 819 s 1; 1961 c 113 s 1; 1961 c 406 s 1; 1967 c 141 s 1; 1986 c 444; 1991 c 179 s 1-8; 2013 c 125 art 1 s 15; 2026 c 110 s 1*

29.22 EGG HANDLERS ANNUAL INSPECTION FEE; DISPOSITION OF FEES.

Subdivision 1. MS 1969 [Repealed, 1971 c 339 s 27]

Subd. 2. **Fee.** In addition to the annual food handler's license, required under section 28A.04, there is an annual inspection fee applicable to every person who engages in the business of buying for resale, selling, or trading in eggs except a retail grocer who sells eggs previously candled and graded. The fee must be computed on the basis of the number of cases of shell eggs handled at each place of business during the highest volume month of each licensing year. If a given lot of eggs is moved from one location of business to a second location of business and the food handler's license is held by the same person at both locations, the given lot of eggs must be counted in determining the volume of business on which the inspection fee is based at the first location of business but must not enter into the computation of volume of business for the

second location. For the purpose of determining fees, "case" means one of 30 dozen capacity. The schedule of fees is as follows:

HIGHEST VOLUME OF CASES EACH LICENSING YEAR		FEE
1 -	50	$ 12.50
51 -	100	$ 31.25
101 -	1000	$ 62.50
1001 -	2000	$ 93.75
2001 -	4000	$125.00
4001 -	6000	$156.25
6001 -	8000	$187.50
8001 -	10,000	$250.00
OVER	10,000	$312.00

Each person subject to the inspection fee in this section shall, under the direction of the commissioner, keep records necessary to accurately determine the volume of shell eggs on which the inspection fee is due and shall prepare annually a written report of the volume upon forms supplied by the commissioner. This report, together with the required inspection fee, must be filed with the department on or before the last day of May of each year.

Subd. 3. **Candlers and graders.** The commissioner has general supervisory powers over the candlers and graders of eggs and may conduct, in collaboration with the College of Agriculture and the Extension Service of the University of Minnesota, an educational and training program to improve the efficiency and quality of the work done by candlers.

Subd. 4. **Egg breaking.** Any person engaged in the business of breaking eggs for resale shall at all times comply with the rules of the department in respect to the conduct of that business. The commissioner shall collect from each egg breaking plant laboratory fees for routine analysis and full reimbursement for services performed by a state inspector assigned to that plant on a continuous basis under section 29.27.

Subd. 5. **Disposition of fees.** All fees collected and all fines paid for a violation of sections 29.21 to 29.27 or rules promulgated under those sections, as well as all license fees and penalties must be deposited in the agricultural fund, and credited to a separate account to be known as the egg law inspection account, which is hereby created, set aside, and appropriated as a revolving account to be used by the department to help defray the expense of inspection, supervision, and enforcement of sections 29.21 to 29.27 and is in addition to and not in substitution for the sums regularly appropriated or otherwise made available for this purpose to the department.

History: *1957 c 819 s 2; 1959 c 49 s 1; 1961 c 406 s 2-4; 1969 c 231 s 1; 1971 c 339 s 17-19; 1985 c 248 s 70; 1986 c 444; 1991 c 254 art 3 s 16; 1999 c 231 s 54; 1Sp2001 c 2 s 48; 2013 c 125 art 1 s 16*

29.23 GRADING.

Subdivision 1. **Grades, weight classes and standards for quality.** All eggs purchased on the basis of grade by the first licensed buyer shall be graded in accordance with grade and weight classes established by the commissioner. The commissioner shall establish, by rule, and from time to time, may amend or revise, grades, weight classes, and standards for quality. When grades, weight classes, and standards for quality have been fixed by the secretary of the Department of Agriculture of the United States, they must be accepted and published by the commissioner as definitions or standards for eggs in interstate and intrastate commerce.

Subd. 2. **Equipment.** The commissioner shall also by rule provide for minimum plant and equipment requirements for candling, grading, handling and storing eggs, and shall define candling. Equipment in use by a wholesale food handler before July 1, 1991, that does not meet the design and fabrication requirements of this chapter may remain in use if it is in good repair, capable of being maintained in a sanitary condition, and capable of maintaining a temperature of 45 degrees Fahrenheit (7 degrees Celsius) or less.

Subd. 3. **Egg temperature.** Eggs must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius) after being received by the egg handler except for cleaning, sanitizing, grading, and further processing when they must immediately be placed under refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees Celsius) or below. Eggs offered for sale by a retail food handler must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius). Shell eggs that have been frozen must not be offered for sale except as approved by the commissioner.

Subd. 4. **Vehicle temperature.** A vehicle used to transport shell eggs from a warehouse, retail store, candling and grading facility, or egg holding facility must have an ambient air temperature of 45 degrees Fahrenheit (7 degrees Celsius) or below.

History: *1957 c 819 s 3; 1961 c 406 s 5; 1973 c 29 s 1; 1985 c 248 s 70; 1991 c 179 s 9; 1Sp2001 c 2 s 49-51; 2008 c 297 art 1 s 15; 2020 c 89 art 4 s 21*

29.235 SALE OF SHELL EGGS.

Subdivision 1. **Restriction.** Checks and dirties must not be sold for human consumption as shell eggs, but may be sold as such to be processed for human consumption by a processor licensed by the commissioner to break eggs for resale, except that a producer may sell such shell eggs of the producer's own production on the producer's premises directly to a household consumer for the consumer's own personal use.

Subd. 2. **Package label.** All eggs offered for sale in cartons, boxes or cases, racks, or other packaging materials must contain the statement: "Perishable. Keep Refrigerated."

History: *1969 c 231 s 3; 1983 c 300 s 5; 1986 c 444; 1991 c 179 s 10*

29.236 EGGS IN UNCOOKED OR UNDERCOOKED FOODS.

Pasteurized eggs must be used in uncooked or undercooked food or food containing unpasteurized eggs must be processed under a method approved by the commissioner sufficient to destroy the pathogen salmonella. This section does not exclude the use of shell eggs certified free of pathogens by a process or mechanism approved by the commissioner.

History: *1991 c 179 s 11*

29.237 UNIFORMITY WITH FEDERAL LAW.

Subdivision 1. **Shell eggs.** Federal regulations governing the grading of shell eggs and United States standards, grades, and weight classes for shell eggs, in effect on July 1, 2000, as provided by Code of Federal Regulations, title 7, part 56, are the grading and candling rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

Subd. 2. **Inspection.** Federal regulations governing the inspection of eggs and egg products, in effect on May 1, 2000, as provided by Code of Federal Regulations, title 7, part 59, are the inspection of egg and egg products rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

History: *1991 c 179 s 12; 1Sp2001 c 2 s 52*

29.24 ADULTERATED OR INEDIBLE EGGS, SALE FORBIDDEN.

No person shall buy, sell, offer or expose for sale, or possess for sale, eggs for human consumption that are inedible or adulterated. Eggs that are filthy, putrid, decomposed, or otherwise unfit for food in whole or in part, shall be deemed to be adulterated. Eggs which contain black rots, white rots, mixed rots (addled eggs), sour eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), or any other eggs that are filthy, decomposed, or putrid shall be deemed to be inedible.

History: *1957 c 819 s 4; 1986 c 444*

29.25 DOCKAGE; OVERGRADE OR UNDERGRADE OF EGGS; RECORDS OF SALES AND PURCHASES.

No person in buying or selling eggs shall take or give a greater or lesser dockage for eggs unfit for human food, as herein defined, than the actual dockage as determined by the correct candling of the eggs purchased or sold. No person in buying or selling eggs shall overgrade or undergrade eggs. All licensed persons shall keep such candling and grading records of eggs purchased or sold as may be required by the rules promulgated by the commissioner, which records shall be available at all reasonable times for inspection and examination by the commissioner, inspector or employees of the Department of Agriculture.

History: *1957 c 819 s 5; 1961 c 113 s 1; 1985 c 248 s 70*

29.26 EGGS IN POSSESSION OF RETAILER.

(a) All eggs sold or offered for sale at retail must have been candled and graded and must be clearly labeled according to Minnesota consumer grades as established by rule under section 29.23. No eggs shall be sold or offered for sale as "ungraded," "unclassified," or by any other name that does not clearly designate the grade. All eggs in possession of the retailer, either in temporary storage or on display, must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius).

(b) Grade AA eggs held 31 days past the coded pack date for Grade AA eggs, or Grade A eggs held 46 days past the coded pack date for Grade A eggs, lose their grades and must be removed from sale, except eggs that are past their quality assurance date may be donated to and distributed by charitable food assistance programs if the eggs:

(1) are contained in their original packaging;

(2) have previously been candled and graded;

(3) are continuously refrigerated;

(4) are distributed to the end consumer prior to 30 days past the original quality assurance date; and

(5) are contained in packaging affixed with a label that includes the following information:

(i) the name of the charitable food assistance program distributing the eggs;

(ii) a "distribute by" date of no more than 30 days past the original quality assurance date; and

(iii) the following statement: "Donated Eggs - Not for Resale."

History: *1957 c 819 s 6; 1961 c 406 s 6; 1985 c 248 s 70; 1991 c 179 s 13; 2019 c 38 s 15; 2026 c 110 s 2*

29.27 RULES.

The department may supervise, regulate, and, in the manner provided by law make reasonable rules relative to grading, candling, cleaning, breaking, purchasing, and selling of eggs and egg products for purpose of preserving and protecting the public health. In addition hereto, it is the express purpose herein that inasmuch as the breaking of eggs for resale is a matter of state concern, the surroundings in which such product is handled must be maintained in a sanitary condition, and, therefore, the department may establish, in the manner provided by law, reasonable rules relative to the inspection of all establishments wherein the business of breaking eggs for resale is maintained, and when the sanitary conditions of any such establishment are such that the product is rendered, or is likely to be rendered, unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human consumption, it may revoke such license to break eggs for resale until such time as the department is satisfied that the establishment is maintained in a sanitary condition. The department shall have the right, from time to time, to adopt rules in the same manner as herein set forth. All liquid, frozen or dried egg products sold or offered for sale shall be processed under continuous supervision of an inspector of the department or of the United States Department of Agriculture.

History: *1957 c 819 s 7; 1961 c 110 s 1; 1963 c 286 s 1; 1969 c 231 s 2; 1985 c 248 s 70; 1991 c 179 s 14*

29.28 MS 2010 [Repealed, 2012 c 244 art 2 s 36]